



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,300	06/13/2001	Rodrick Seely	KLR:djs 3301.038	6773

7590

09/14/2006

Kevin L. Russell  
Suite 1600  
601 SW Second Ave.  
Portland, OR 97204-3157

EXAMINER
----------

LI, SHI K

ART UNIT	PAPER NUMBER
----------	--------------

2613

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

51

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/881,300		SEELY ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Shi K. Li		2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9-22,24-37,39-53,55-60 and 62-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-22,24-37,39-53,55-60 and 62-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31 July 2006 has been entered.

***Claim Rejections - 35 USC § 112***

2. Claims 1-7, 9-22, 24-37, 39-53, 55-60, 62-73 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites the limitation "wherein said transmitter is not located in a housing spaced apart from and surrounding said transmitter" in lines 13-16 of the claim. The specification as originally filed does not teach a transmitter that is not located in a housing spaced apart from and surrounding said transmitter. On the contrary, the specification as originally filed suggests in FIG. 3 and FIG. 4 a housing spaced apart from and surrounding transmitter 50. Therefore, the added limitation is considered as new subject matter.

Claims 16, 30 and 46 recite similar limitations and these added limitations are considered as new subject matter.

***Claim Rejections - 35 USC § 103***

Art Unit: 2613

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7, 9-11, 16-20, 22, 24-26, 30-35, 37, 39-41, 46-51, 53, 55-57 and 66-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admission (admitted prior art) in view of Hoadley (U.S. Patent 3,493,760).

Regarding claims 1, 16, 30-31 and 46-47, FIG. 1 (prior art) of instant specification discloses a system for controlling a remotely located motor comprising an enclosure including a contactor that selectively provides electrical power to a motor wherein said motor is exterior to said enclosure and wherein said electrical power is 120/240 volts. The difference between admission and the claimed invention is that admission uses an electrical coupling method between a controlling device and a controlled device while the claimed invention uses an optical coupling method between a controlling device and a controlled device. Hoadley teaches in col. 1, lines 50-60 that it is desirable to use an optical coupling method to replace an electrical coupling method to prevent spurious currents from entering the enclosure when the enclosure includes sensitive devices. One of ordinary skill in the art would have been motivated to combine the teaching of Hoadley with admission to use an optical coupling method, which includes an optical transmitter and an optical receiver, such as devices 17 and 16 of FIG. 1 of Hoadley, for controlling the contactor because optical coupling method prevents spurious currents from entering the enclosure to interfere with sensitive devices inside the enclosure. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was

Art Unit: 2613

made to replace electrical coupling method with optical coupling method, as taught by Hoadley, in the FIG. 1 (prior art) of instant specification because optical coupling method prevents spurious currents from entering the enclosure to interfere with sensitive devices inside the enclosure. Hoadley suggests in FIG. 1 that the transmitter 17 is not located in a housing spaced apart from and surrounding said transmitter.

Regarding claims 2, 17, 32 and 48, Hoadley teaches in FIG. 1 that transmitter 17 is outside an enclosure of the controlled device.

Regarding claims 3, 18, 33 and 49, Hoadley teaches in FIG. 1 that receiver 16 is located within said enclosure.

Regarding claims 4, 19, 34 and 50, it is well known in the art that a light source such as a LED operates with low voltage less than 24 volts.

Regarding claims 5, 20, 35 and 51, admission teaches that the contactor is driven with 120 volts.

Regarding claims 7, 22, 37 and 53, the transmitter and receiver of Hoadley do not include any mechanical switching mechanism.

Regarding claims 9, 24, 39 and 55, Hoadley teaches in FIG. 1 that the transmitter is located immediately adjacent to the enclosure such that it prevent the receiver from receiving any additional light from a source other than said transmitter.

Regarding claims 10, 25, 40 and 56, Hoadley teaches in col. 2, line 13 that the light source is a Gallium Arsenide, which inherently emits infrared light.

Regarding claims 11, 26, 41 and 57, Hoadley teaches in FIG. 1 modulated optical signal.

Art Unit: 2613

Regarding claims 66-71, Hoadley teaches in FIG. 1 that the transmitter and receiver are proximate to said enclosure.

5. Claims 6, 21, 36 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over admission and Hoadley as applied to claims 1-5, 7, 9-11, 16-20, 22, 24-26, 30-35, 37, 39-41, 46-51, 53, 55-57 and 66-71 above, and further in view of Crochet et al. (U.S. Patent 4,249,264).

Admission and Hoadley have been discussed above in regard to claims 1-5, 7, 9-11, 16-20, 22, 24-26, 30-35, 37, 39-41, 46-51, 53, 55-57 and 66-71. The difference between admission and Hoadley and the claimed invention is that admission and Hoadley do not teach to use 24 volts for the first signal. Crochet et al. teaches in the FIG. and col. 3, lines 54-55 to use a voltage of 24 volts for driving a transmitter D1. The transmitting circuit of Crochet et al. and the modulated light source 17 of Hoadley provide similar functions and are equivalent. Where the claimed differences involve the substitution of interchangeable or equivalents and the reason for the selection of one equivalent for another was not to solve an existent problem, such substitution has been judicially determined to have been obvious. See *In re Ruff*, 118, USPQ 343 (CCPA 1958). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the modulated light source with the transmitter of Crochet et al. in the modified controlling system of admission and Hoadley.

6. Claims 12-14, 27-29, 42-44 and 58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over admission and Hoadley as applied to claims 1-5, 7, 9-11, 16-20, 22, 24-26, 30-35, 37, 39-41, 46-51, 53, 55-57 and 66-71 above, and further in view of Atobe et al. (U.S. Patent 5,051,601).

Art Unit: 2613

Admission and Hoadley have been discussed above in regard to claims 1-5, 7, 9-11, 16-20, 22, 24-26, 30-35, 37, 39-41, 46-51, 53, 55-57 and 66-71. Regarding claims 12-13, 27-28, 42-43 and 58-59, the difference between admission and Hoadley and the claimed invention is that admission and Hoadley do not teach a plurality of receivers. Atobe et al. teaches in FIG. 2 that a transmitter can transmit light to a plurality of receivers 55 and 56 for controlling different devices. One of ordinary skill in the art would have been motivated to combine the teaching of Atobe et al. with the modified control system of admission and Hoadley because controlling several devices with a single transmitter reduce space and cost. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a single transmitter to control a plurality of devices, as taught by Atobe et al., in the modified control system of admission and Hoadley because controlling several devices with a single transmitter reduce space and cost.

Regarding claims 14, 29, 44 and 60, Atobe et al. teaches in FIG. 3 that a code is used to determine the intended electrical device of a signal.

7. Claims 15, 45 and 72-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over admission and Hoadley as applied to claims 1-5, 7, 9-11, 16-20, 22, 24-26, 30-35, 37, 39-41, 46-51, 53, 55-57 and 66-71 above, and further in view of Pitsch et al. (U.S. Patent 6,384,946 B1).

Admission and Hoadley have been discussed above in regard to claims 1-5, 7, 9-11, 16-20, 22, 24-26, 30-35, 37, 39-41, 46-51, 53, 55-57 and 66-71. The difference between admission and Hoadley and the claimed invention is that admission and Hoadley do not teach a connection between the receiver and the first device without using a wire. However, electrical connection by contact is well known in the art. For example, Pitsch et al. teaches in FIG. 1 to use a plug P1

Art Unit: 2613

and jack J1 to connect an IR receiver to an electrical circuit. One of ordinary skill in the art would have been motivated to combine the teaching of Pitsch et al. with the modified system of admission and Hoadley because the arrangement of Pitsch et al. allows easy replacement of the IR receiver in case the receiver is bad or of upgrading the receiver to another kind of transducer. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect the receiver with the first device using a plug-jack pair, as taught by Pitsch et al., in the modified controlling system of admission and Hoadley because the arrangement of Pitsch et al. allows easy replacement of the receiver.

Regarding claims 72-73, Hoadley teaches in FIG. 1 that the transmitter and receiver are proximate to said enclosure.

8. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over admission, Hoadley and Pitsch et al. as applied to claims 15, 45 and 72-73 above, and further in view of Sembhi et al. (U.S. Patent 6,380,696 B1).

Admission, Hoadley and Pitsch et al. have been discussed above in regard to claims 15, 45 and 72-73. The difference between admission, Hoadley and Pitsch et al. and the claimed invention is that admission, Hoadley and Pitsch et al. do not teach the details of the receiver. Sembhi et al. teaches in FIG. 9 a receiver 800 for controlling a load. One of ordinary skill in the art would have been motivated to combine the teaching of Sembhi et al. with the modified control system of admission, Hoadley and Pitsch et al. because the use of thyristor 822 for controlling a load provides fast response without generating any spurious currents. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a receiver circuit with a load conductor and a line (hot) conductor, as taught by Sembhi et al.,



Art Unit: 2613

in the modified control system of admission, Hoadley and Pitsch et al. because the use of thyristor 822 for controlling a load provides fast response without generating any spurious currents.

9. Claims 63-65 is rejected under 35 U.S.C. 103(a) as being unpatentable over admission and Hoadley as applied to claims 1-5, 7, 9-11, 16-20, 22, 24-26, 30-35, 37, 39-41, 46-51, 53, 55-57 and 66-71 above, and further in view of Sembhi et al. (U.S. Patent 6,380,696 B1).

Admission and Hoadley have been discussed above in regard to claims 1-5, 7, 9-11, 16-20, 22, 24-26, 30-35, 37, 39-41, 46-51, 53, 55-57 and 66-71. The difference between admission and Hoadley and the claimed invention is that admission and Hoadley do not teach the details of the receiver. Sembhi et al. teaches in FIG. 9 a receiver 800 for controlling a load. One of ordinary skill in the art would have been motivated to combine the teaching of Sembhi et al. with the modified control system of admission and Hoadley because the use of thyristor 822 for controlling a load provides fast response without generating any spurious currents. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a receiver circuit with a load conductor and a line (hot) conductor, as taught by Sembhi et al., in the modified control system of admission and Hoadley because the use of thyristor 822 for controlling a load provides fast response without generating any spurious currents.

#### ***Response to Arguments***

10. Applicant's arguments filed 31 July 2006 have been fully considered but they are not persuasive.

The Applicant argues that claims 1, 16, 30 and 46 patentably distinguish over the cited combination by claiming the transmitter is not located in a housing spaced apart and surrounding

Art Unit: 2613

the transmitter. The Examiner disagrees. Hoadley suggests in FIG. 1 that the transmitter 17 is not located in a housing spaced apart from and surrounding said transmitter. The Examiner also recognizes that instant specification teaches in FIG. 3 and FIG. 4 that the transmitter is located in a housing spaced apart from and surrounding said transmitter. This suggests that the claimed feature exists not as a result of an attempt by Applicant to solve a problem but amounts to added new subject matter for overcoming cited references.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shi K. Li whose telephone number is 571 272-3031. The examiner can normally be reached on Monday-Friday (8:30 a.m. - 5:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/881,300  
Art Unit: 2613

Page 10

skl  
12 September 2006

A handwritten signature in black ink, appearing to read 'Shi K. Li'.

**Shi K. Li**  
**Patent Examiner**